



Special Education State Complaint Resolution System A Comparison of Services Available to Parents and Schools

| | Complaint Investigation | Mediation | Due Process Hearing |
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| Issues Addressed | Alleged violations of special education requirements. | Any issue related to special education. | Any issue related to identification, evaluation, placement or the provision of a free appropriate public education. |
| How to Request | Send written, signed complaint to KSDE Division of Special Education Services specifying alleged violations and facts on which allegations are based. A complaint form is available on the Web site noted below. | Send written Request for Mediation with signed Agreement to Mediate and Confidentiality Pledge to Special Education Services (at address below). Signed paperwork is usually submitted by school officials. Forms are available on the web site noted below. | Written notice of request for a due process hearing to other party and to Special Education Services. Notice must include a description of the problem, the facts related to the problem and a proposed resolution to the problem, to the extent known. Forms are available on the web site noted below. |
| Financial Cost | The investigator is provided at no cost to parent or district. | KSDE provides an impartial mediator at no cost to parent or district. | Impartial hearing officer provided at no cost to parent. |
| Confidentiality | Written findings are subject to release with identifiable information removed. | Discussions during mediation are confidential and are not subject to release. Settlement agreements are subject to release with identifiable information removed. | Hearing is confidential unless parent chooses to open it to the public. |
| Process | The investigator reviews information and documentation related to the allegation(s) and issues a report with findings of fact and conclusions. | After all parties agree to participate in mediation, an impartial mediator, assigned by KSDE, meets with the parties in an informal setting and assists them to resolve the issue(s) in dispute. | Impartial hearing officer hears evidence in a courtroom-like setting and issues a written decision. |
| Result | If violation(s) are found, the report will specify corrective actions the school must take in order to be in compliance with law. The corrective action will be monitored by the State Department of Education. | Settlement agreements are created by the parties, signed by the parties, implemented in 'good faith' by the parties, and enforceable in court. | In the decision, the impartial hearing officer determines whether violation(s) occurred and, if so, orders remedial action. |
| Timeline from Receipt of Request to Resolution | 30 days to complete the report, unless there are exceptional circumstances or an extension by agreement. 10 day appeal. | Generally less than 30 days, subject to agreement by the parties. | 45 calendar days after the initial 30 day resolution period, unless the timeline is extended by the hearing officer on motion of a party |
| Enforcement of Resolutions | KSDE oversight. District has option to propose a resolution to complaint. | Civil action filed by one of the parties. | KSDE monitors remedial action. |

FOR ADDITIONAL INFORMATION & ASSISTANCE: Kansas State Department of Education, Special Education & Title Services, 900 SW Jackson, Suite 602, Topeka, KS 66612 Phone (785) 296-5608

Forms: <http://www.ksde.org/Default.aspx?tabid=603>
 Parent Information Lines: KSDE: (800) 203-9462 (Kansas residents only)
 Families Together: (800)-264-6343